

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GEORGE A. MOSBY,

Petitioner,

v.

Civil Action No. **3:10CV12**

STATE OF VA,

Respondent.

MEMORANDUM OPINION

George A. Mosby, a former Virginia inmate proceeding *pro se* and *in forma pauperis*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Mosby was released from jail on March 17, 2010. (Resp't's Br. Supp. Mot. Dismiss 2.) Because it appeared that no case or controversy exists for this Court to consider, by Memorandum Order dated December 30, 2010, the Court ordered Mosby to show cause within eleven (11) days from the date of entry thereof why the action should not be dismissed as moot. The Court warned Mosby that failure to do so would result in dismissal of this action. More than eleven (11) days have passed, and Mosby has not responded to the December 30, 2010 Memorandum Order.

Furthermore, by Memorandum Order dated January 13, 2010, the Court admonished Mosby that failure to "immediately advise the Court of his new address in the event he is transferred, released, or otherwise relocated while the action is pending" could result in dismissal of the action. On January 18, 2011, the United States Postal Service returned to the Court the December 30, 2010 Memorandum Order, which was marked "RETURN TO SENDER," "NOT DELIVERABLE AS ADDRESSED," "UNABLE TO FORWARD," and "Inmate Released."

Mosby's failure to keep the Court apprised of his current address indicates his lack of interest in prosecuting the present action. *See* Fed. R. Civ. P. 41(b).

Accordingly, the action will be DISMISSED WITHOUT PREJUDICE and Respondent's Motion to Dismiss will be DENIED AS MOOT. The Court will DENY a certificate of appealability.

An appropriate Order will accompany this Memorandum Opinion.

It is so ORDERED.

Date: 1-27-11
Richmond, Virginia

<p style="text-align: center;">_____ /s/ James R. Spencer Chief United States District Judge</p>
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